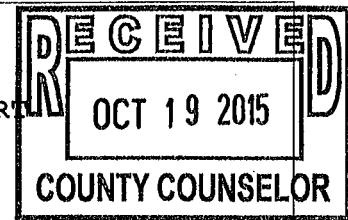


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION



ORIGINAL

TRACEY WHITE, et al.,)
)
Plaintiffs,)
)
vs.) Cause No. 14-cv-01490-HEA
)
THOMAS JACKSON, et al.,)
)
Defendants.)

VIDEO DEPOSITION OF NATHAN A. BURNS

Taken on behalf of the Defendants
McCOY, McCANN, HILL, BELMAR, and ST. LOUIS COUNTY

September 30, 2015

Reported by: Christine A. LePage, CCR #1000

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EXHIBIT

tabbed
County
Exhibit AA

1 A No, I haven't.

2 Q All right. Now, you have sued some police
3 officers, you're aware of that?

4 A That's the current case?

5 Q In this case, yeah.

6 A Okay.

7 Q And you sued them because of events that
8 happened on Monday, August 11, 2014; you're aware of that?

9 A Okay, that's the date that it happened?

10 Q Yes. Yeah.

11 A Okay.

12 Q Okay. About what time do you think you were
13 arrested?

14 A 10:30. Around 10:30 is what they wrote on the
15 paper.

16 Q I'm sorry?

17 A On the booking paper, I believe it said 10:30.

18 Q Okay. Did you work that night until 8 or did
19 you --

20 A Yes, I did.

21 Q -- work that day at all?

22 A Yes.

23 Q Okay. And you indicated in the lawsuit that you
24 filed that you were among a group of protesters. Were
25 you?

1 now, I really don't recall.

2 Q But I'm talking about what you call protesters,
3 okay?

4 A Oh, okay. Yeah, there were -- I can't recall
5 how many people were out there.

6 Q Okay. Now, in addition to having protesters,
7 were there people who were not protesting who were just
8 causing problems that you could see?

9 A No, not that I seen.

10 Q I mean, could you see people throwing rocks?

11 A No, I didn't see any rocks or people throwing
12 them.

13 Q Could you -- Did you hear police give orders to
14 disperse?

15 A Yes, I did.

16 Q Okay. And that was on West Florissant?

17 A That was after they pushed us onto the side
18 street.

19 Q Well, even before they pushed you to the side
20 street, weren't they giving orders to disperse?

21 A No, I didn't hear any orders to disperse before
22 that.

23 Q Okay. Now, did you notice which police
24 department was giving orders to disperse?

25 A St. Louis County.

1 Q Okay. Why are you sure of that?

2 A Well, they had on -- Well, you know what, you're
3 right, I'm not sure, because they had on like black gear
4 over it, so you couldn't tell, they just looked like
5 soldiers really, they just were dressed in black with a
6 bunch of armor on.

7 Q Okay.

8 A But the area, it was -- majority was St. Louis
9 County police officers out there.

10 Q Now, when orders to disperse were given, did
11 they use some sort of loud speaker?

12 A I believe so. I believe it was over the
13 speaker.

14 Q So there was -- Well, how many orders to
15 disperse do you think you heard that night?

16 A I heard maybe three.

17 Q And you indicated before there were a lot of
18 people. Would you agree that when orders to disperse were
19 made that there were people who did disperse?

20 A The people that stayed in the area that were
21 able to disperse, they went into their homes.

22 Q Okay.

23 A But --

24 Q Some people did disperse?

25 A Yeah, the people that stayed into the areas went

1 Q Okay. Could you see the police by that
2 seven-foot bush?

3 A Yes, I could.

4 Q Do you think the police would be able to see you
5 from where you were standing?

6 A If they were looking for me, yes.

7 Q All right. And if you wanted to leave, could
8 you go through a yard there?

9 A My car was actually on the street, and I didn't
10 want to leave my car out there.

11 Q Why didn't you want to leave your car there?

12 A Because then I would be unmobil. I didn't want
13 to walk home. I drove in my car, so I planned on leaving
14 with my car.

15 Q Where was your car parked?

16 A I'm not sure the name of that street, but the
17 same street where the house where I was standing at, my
18 car was parked on the same street.

19 Q So can you be a little more specific? You're on
20 West Florissant, you're by some street.

21 A It's a block over from West Florissant.

22 Q Okay. So you left West Florissant to go to the
23 block over; is that right?

24 A I was pushed from West Florissant to the block
25 over. Well, I was forced from West Florissant to the

1 Q -- and made you take -- made you take off your
2 shoes?

3 A He attempted to make me take off my shoes but
4 they were tied too tight.

5 Q Okay. And can you describe any other officers?

6 A Not -- It would be vaguely, I wouldn't remember
7 them, less than I remember him, I got a very vague
8 description of him.

9 Q Now, you talked about this armored vehicle.
10 Before the armored vehicle went by, as I understand it,
11 you had -- you heard three requests to disperse over the
12 loud speaker; is that correct?

13 A Before -- Before -- Yeah, it was about three,
14 yes.

15 Q Okay. And then did you see officers inside the
16 armored vehicle or on either side of the armored vehicle?

17 A At what time are you referring to?

18 Q Well, while it's going by, were there --

19 A They were like hanging off the side.

20 Q Okay. And could you tell what police
21 departments those officers were who were hanging off the
22 side?

23 A Well, I couldn't tell until -- Well, like I
24 said, after they arrested me, they all got on this -- I'm
25 not sure if it's the same armored truck or not, but they

1 so I wouldn't -- if you told me the names, I wouldn't
2 know, I wouldn't know who you were referring to.

3 Q Okay. Detective Terrence McCoy, would you know
4 who that is?

5 A No.

6 Q Detective Dan Hill, do you know who that is?

7 A No.

8 Q Officer -- Detective Mike McCann, do you know
9 who that is?

10 A No.

11 Q Can you tell us what any one of those three did?

12 A No, I don't know who they are.

13 Q Okay. Have you read the police report involving
14 your arrest?

15 A You say have I read the police report?

16 Q Yes.

17 A No, I have not.

18 Q Okay. Did you review anything in preparation
19 for today's deposition?

20 A No, I haven't.

21 Q Okay. At some point some officers turned you
22 over to other officers in a truck; is that correct?

23 A No, the officers -- the way it went, the
24 officers that arrested me, they got on the truck with me.

25 Q Okay.

1 A They sent me to jail, I had no option, I didn't
2 have an option to go to the hospital.

3 Q Right.

4 A But when I got -- when I got to the prison, I
5 had so much -- I was covered in so much Mace that when the
6 guard patted me down, she moved my hair, and she actually
7 started spitting and throwing up just from the amount of
8 Mace that was on my body, and that's probably -- like I
9 know they caught that on like the video, because I'm
10 pretty sure they have cameras in the cell -- I mean the
11 like booking stations or whatever. But just she moved my
12 hair, and my hands up on the wall, and she moved my hair,
13 and the instant she moved my hair she started coughing and
14 spitting up and she had to like run to the back.

15 Q Okay. So you sort of went beyond my question.
16 So my question was did you go to the hospital that night?

17 A No, I'm sorry.

18 Q And the answer is no?

19 A Correct.

20 Q But -- So but you were taken to the Justice
21 Center; is that correct?

22 A If that's the name for it.

23 Q Or the jail?

24 A Yes.

25 Q And then once you arrived there, you were seen

1 by some woman, like was she an intake nurse or something?

2 A Yes, I seen one of those nurses, correct.

3 Q Okay. And she did an intake examination of some
4 sort to you; is that correct?

5 A Correct.

6 Q And she asked you questions and you gave
7 answers; is that correct?

8 A Correct.

9 Q All right. And then you were released sometime
10 that night or the next day?

11 A They held me for 24 hours exactly.

12 Q When you were released, were you released
13 because no charges were issued or because someone made
14 bond or --

15 A It was no charges. They told me there were no
16 charges.

17 Q Who is they, just so I understand?

18 A The officer that released me.

19 Q When you were released -- Strike that. During
20 your 24 hours when you were at the Justice Center, did you
21 get any treatment from a nurse or ask to be treated by a
22 nurse?

23 A I asked and she told me there was nothing that
24 she could do for me, she told me I would just have to wait
25 until the effects wore off, that actually -- and I asked

1 A I'm not sure why Chris didn't get arrested.

2 Q (by Mr. Hughes) But he did run away?

3 A I'm not sure if he ran or not, because I was --
4 like I was standing next to another guy at this time.

5 Q Oh, at the time the police got close,
6 Christopher wasn't next to you?

7 A I'm not sure. At this time I didn't like look
8 around to see who was around me, I just put my hands up
9 and kept my eyes on the police. I didn't look around
10 until they actually started Macing people.

11 Q After they started Macing people, would you
12 agree that -- Strike that. Before they started Macing
13 people, would you agree that the police had already issued
14 or used smoke or tear gas and had already given orders to
15 disperse?

16 A They had already like -- They were really just
17 like intimidating is what they were trying to do, I don't
18 feel like they were like being lawful about anything they
19 were doing. I'm not sure about what are you asking me,
20 can you say that again?

21 Q Sure. You indicated before that you saw smoke
22 or tear gas; is that right?

23 A Correct.

24 Q You indicated before you heard some orders to
25 disperse; is that correct?

1 A Correct.

2 Q And then finally at some point police started
3 Macing people; is that correct?

4 MR. LATIMER: That's misstates the testimony.

5 A I don't know if they were Macing people before
6 then or not. Like what they -- I don't feel like they
7 were using that to get people to disperse, I feel like
8 they were intimidating people. So I'm not trying to
9 rephrase your question, but the way it's kind of worded,
10 it kind of feel like you asking me were we like asked to
11 leave and then like the last resort was to Mace people,
12 when it was just like they were close and they just did
13 what they wanted to do because there were no cameras
14 around.

15 Q (by Mr. Hughes) The first time that you saw
16 Mace deployed was when you got Maced; is that correct?

17 A Correct, yes.

18 Q Okay. And before that happened you had already
19 seen smoke and/or tear gas deployed; is that correct?

20 A Correct.

21 Q And before that happened you had already heard
22 orders to disperse; is that correct?

23 A Correct.

24 Q You had heard three orders to disperse?

25 A Correct.

1 A Right.

2 MR. LATTIMER: 75 or 100 was never mentioned.

3 A I said there was a group of people, yeah.

4 Q (by Mr. Hughes) Yeah, okay.

5 A Like altogether there was a lot of people out
6 there.

7 Q I mean, could -- Maybe I'm confusing you with an
8 earlier deposition.

9 MR. LATTIMER: I think so.

10 Q (by Mr. Hughes) But when you say a lot of
11 people, was it over a hundred or can you say?

12 A That's what I say, I couldn't give a number, but
13 there were a lot of people out there.

14 Q Okay. All right. But then by now, right before
15 you're Maced, is --

16 A Well, now the people are scattered out. So at
17 first you got a group of people in one spot, then you have
18 the people when they scattered out around, some people
19 been pushed like back into the neighborhood and I guess
20 some of them stayed there, so some of them were able to
21 disperse, and some people were just on foot, just -- I
22 don't know what they doing. But like this -- I'm assuming
23 that the people still out there, we just not in one group
24 anymore, the group had been broken up.

25 Q Right. So --

1 A It's been like divided, so you got small groups
2 scattered around.

3 Q So, again, I hadn't finished my question.

4 A I'm sorry.

5 Q Before you said there were a lot of people
6 earlier in the evening, but now you said there wasn't a
7 lot of people, there were six other people --

8 A No, what I was saying --

9 Q -- with you?

10 A -- is at first I was with the large group of
11 people, and now I'm with six other people, the other
12 groups have been broken up. Now instead of being one
13 large group, there are a lot of subgroups, the large group
14 broke up into subgroups.

15 Q So initially you were in a group of a lot of
16 people?

17 A Initially it was one big group, and then it
18 broke down to small subgroups.

19 Q And then people dispersed into different groups,
20 different directions; is that correct?

21 A Yeah, basically, yes.

22 Q And then by the time the police came by, you
23 were with a much smaller group of about six other people?

24 A Correct.

25 Q And then when the police came by, some police